

REMARKS

The application has been reviewed in light of the Office Action dated February 22, 2007 and the telephone interview on April 17, 2007. Applicant thanks Examiner Hashem for the courtesies extended to Applicant's representative Jay Ryan in this telephone interview. Examiner Hashem is respectfully requested to reconsider the application in view of the following remarks set forth herein.

By the present Office Action, Claims 1-9 and 11-20 are rejected. Applicant respectfully traverses all rejections. By the present Amendments Claims 1 and 12 are amended, and Claims 2-9, 11, and 13-20 remain.

I. SUMMARY OF CLAIM AMENDMENTS

Claims 1 and 12 are amended.

II. CLAIM REJECTIONS

Under 35 U.S.C. § 102(e)

Claims 1-4, 6-11, 12-17, 19, and 20 were rejected in the Office Action under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,580,784 to Rodriguez *et al.* Applicant respectfully traverses these rejections and requests reconsideration and withdrawal thereof.

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (as quoted in MPEP 2131 (emphasis added).)

Rodriguez *et al.* relates to a system and method for notifying a user at a second number about an urgent phone message(s) left at a first number. To this end, *Rodriguez et al.* merely discloses forwarding an urgent message(s) to an alternative phone number or sending information about the urgent message(s) to an alternative address. (*See, e.g.*, col. 6, line 66 through col. 7, line 22.) The alternative addresses taught in *Rodriguez et al.* are limited to a pager or an email address, for which that invention will respectively generate a text notification that provides the underlying details about the urgent phone message(s). (*See, e.g.*, col. 7, lines 22-50). While, *Rodriguez et al.* notes that these notifications can include “even the contents of the message using speech recognition software.” (*See, e.g.*, col. 7, lines 34-36 and 48-49.), no teaching accompanies that general statement nor is there taught selectively formatting the messages themselves for sending to alternative devices where the user may be contacted.

Applicant respectfully submits that, as detailed below, the cited reference fails to disclose or suggest each and every element as set forth in independent Claims 1 and 12, and as a matter of law, those claims that depend therefrom, in order to demonstrate anticipation in accordance with 35 U.S.C. § 102.

A. The Independent Claims

Claim 1 as currently pending is reproduced below:

Claim 1. A method of routing a text message to a second destination associated with a called party where a first destination is unavailable comprising the steps of:

receiving a call to the first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable;

based on the unavailability of the first destination, requesting a voice message from the calling party;

receiving the voice message provided by the calling party;

converting the voice message into a text message;

searching a database of routing information associated with a plurality of communication devices for a respective plurality of subscribers, the routing information comprising a directory number and formatting information particular to each communication device;

retrieving routing information from the database for an alternate communication device associated with the second destination of the called party;

formatting the text message in an appropriate text format required by the second destination; and

forwarding the text message to the second destination associated with the called party.

Applicant respectfully submits that the reference alleged in the Office Action to anticipate the present invention does not include at least the features of Claim 1 highlighted above. While Rodriguez *et al.* does suggest the general concept of converting a voice message into text, there is no teaching in this reference of a method that employs *a database of routing information associated with a plurality of communication devices for a respective plurality of subscribers*. Rodriguez *et al.* further fails to indicate routing information that includes *formatting information particular to each communication*

device. Further, there is nothing in this reference that discloses or suggests *formatting the text message in an appropriate text format* required by a destination of a forwarded message. Indeed, one would have to look well beyond the teachings of Rodriguez *et al.* in order to find the invention recited in Claim 1.

The Office Action relies upon a passage of Rodriguez *et al.* from col. 6, line 66 through col. 8, line 3 as allegedly disclosing the claimed subject matter. However, respectfully, the salient portions of this passage have been discussed *supra*, and it is shown that this passage is silent as to a *database* including *routing information* and *formatting information* for a plurality of devices, as presently claimed.

In a further illustration, it should be noted that dependent Claim 3 further stipulates that these plurality of communication devices can be any one of *a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer*. As understood by one skilled in the art, each of these devices have separate and distinct formatting requirements. This obstacle of distinct formatting requirements among a plurality of devices is not disclosed or suggested by Rodriguez *et al.* While it is understood that Claim 1 is not limited to the specifics of Claim 3, the aforementioned is offered to further demonstrate the plain deficiencies of the prior art with respect to the instant invention.

In view of at least the aforementioned reasons, Rodriguez *et al.* fails to disclose or suggest each and every aspect of the present Claim 1, and thus fails to meet the requirements for anticipation as set forth in 35 U.S.C. § 102. Applicant therefore respectfully requests that the rejection of Claim 1 and all claims depending therefrom be withdrawn.

Claim 12 as currently pending is reproduced below:

Claim 12. A system for routing a text message to a second destination associated with a called party where a first destination is unavailable comprising:

a first switch for receiving a call to a first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable;

a network element, coupled to the first switch, for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party; and

a voice recognition means, coupled to the network element, for converting the voice message to a text message based on determining an appropriate text format required by the second destination;

a database for retaining and selecting routing information for a plurality of communication devices associated with a respective plurality of subscribers, the routing information for each communication device including:

a list of directory numbers for corresponding communication devices;

formatting information for the corresponding communication devices, the formatting information comprises an appropriate text format required for each communication device selectable as the second destination and retrieved by the voice recognition means; the system further comprising

a second switch, coupled to the network element, wherein the network element forwards the ***appropriately formatted text message*** to a second destination associated with the called party

via the second switch, wherein the second destination comprises ***an alternate communication device for the called party.***

Applicant respectfully submits that the reference alleged in the present Office Action to anticipate the present invention does not include at least the features of Claim 12 highlighted above. As mentioned *supra* with respect to Claim 1, while perhaps of the same subject field as the present invention, Rodriguez *et al.* fails to disclose or suggest a system that employs ***a database for retaining and selecting routing information for a plurality of communication devices associated with a respective plurality of subscribers.*** Rodriguez *et al.* further fails to disclose or suggest routing information including ***formatting information for the corresponding communication devices*** and also a network element that forwards the ***appropriately formatted text message*** to a second destination that comprises ***an alternate communication device for the called party.***

For at least these aforementioned reasons, Applicant respectfully requests that the rejection of Claim 12 and any claims depending therefrom be withdrawn.

Under 35 U.S.C. § 103(a)

Claims 5 and 18 were rejected in the Final Action under 35 U.S.C. 103(a) as being unpatentable over Rodriguez *et al.* in view of U.S. Patent No. 6,085,231 to Agraharam *et al.* Applicant respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

Claims 5 depends from Claim 1, and Claim 18 depends ultimately from Claim 12, which as described above are not anticipated by Rodriguez *et al.* Applicant submits that Agraharam *et al.* does not add to Rodriguez *et al.* any features which serve to render Claims 5 and 18 unpatentable over the combination of the two references. Therefore claims 5 and 18 are also allowable over the cited art for at least the same reasons as the independent claims from which they depend. Applicant therefore respectfully requests that the rejection be withdrawn.

B. The Dependent Claims

As discussed above, the dependent claims are allowable over the cited art for at least the reasons discussed above with regard to the independent claims from which they depend. In addition, each of these claims add features additionally not found in Rodriguez *et al.* and several exemplary explanations follow. Any particular claim's inclusion or exclusion from the following discussion should not be construed as an indication of Applicant's opinion as to the relative merits of patentability of the dependent claims. Applicant merely wishes to direct the Examiner's attention to a number of selected claims and their corresponding features.

Claims 4 and 16 include the feature of receiving additional information from the calling party, a feature not disclosed in the cited art. Claims 5 and 18 depend from Claim 4 and 16 respectively and include the feature of the additional information comprising routing information of the second destination associated with the called party. Rodriguez *et al.* fails to describe receiving any such information from a calling party. Claims 6 and 17 depend from Claim 4 and 16 respectively and include the feature of the additional information comprising an identification of the calling party. The cited art fails to disclose this feature.

Claim 7 includes the feature of the requesting step being performed in response to a Busy/No Answer trigger. The cited art makes no mention of any such trigger.

Claim 8 includes the feature of receiving routing information of the second destination from the called party. Rodriguez *et al.* does not disclose receiving any routing information from the called party.

Claim 11 adds to Claim 1 the feature of receiving a personal identification number, the personal identification number determining which one of the plurality of communication devices comprises the second destination. Nothing of this kind is disclosed or suggested in the cited reference.

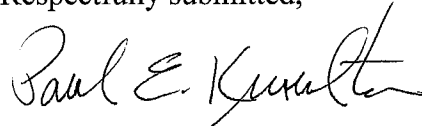
Claim 19, as currently amended, includes the feature of the claimed network element receiving routing information of the second destination from the called party and storing the routing information in the database. Applicant respectfully submits that the cited art fails to teach or suggest any such feature. No mention is made of receiving routing information from a party and storing this information in a database.

IV. CONCLUSION

The foregoing is submitted as a full and complete response to the Final Action mailed February 22, 2007. Applicant thanks Examiner Hashem for her comments during the interview of April 17, 2007 and for her consideration of the present amendments. Applicant respectfully submits that the pending claims, as amended, are patentable over the cited references, and a Notice of Allowability indicating the same is respectfully requested. The preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

If Examiner Hashem concludes any issues to receiving a Notice of Availability remain that can be resolved by a telephone conference, or there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at the number listed below to discuss the same is respectfully requested.

Respectfully submitted,



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